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FIRST AMENDMENT TO DEMAND FOR CONSIDERATION BEFORE THE JUDICIAL CONFERENCE OF THE UNITED STATES UNDER THE JUDICIAL CONDUCT ACT OF 1980

Amendment Filing Date: April 7, 2022
Filing Date of Original Consideration: Father's Day (June 21, 2021)

Name and Address of Claimants:

Manuel P. Asensio and his minor daughter, Eva Asensio
Phone: (212) 702-8800
Email: mpa@asensio.com

Respondents

(1) The Honorable Anthony Scirica, Chair of Judicial Conduct Committee[1]
(2) The Honorable Jose Cabranes
(3) The Honorable Robert A. Katzmann (deceased)
(4) The Honorable Deborah A. Livingston
(5) The Honorable Laura T. Swain
(6) The Honorable Colleen McMahon
(7) The Honorable Ronnie Abrams
(8) The Honorable Katherine Failla
(9) The Hon. Roslynn R. Mauskopf

Petition Served Upon

(1) Hon. Roslynn R. Mauskopf, Director of the Administrative Office of the US Courts
(2) Lee Ann Bennett, Deputy Director of the Administrative Office of the US Courts
(3) Katherine H. Simon, Office of Judicial Conference Secretariat

1. Chief Justice John G. Roberts Jr. controls the chairs of the US Judicial Conference's Executive, Judicial Branch, Federal-State Jurisdiction, Judicial Conduct, and Codes of Conduct Committees. These positions are a central part of the Conference's "national policy-making" scheme.

NOTICE TO THE MEMBERS OF THE US JUDICIAL CONFERENCE

This Consideration is the most important document that the United States Judicial Conference (the "Conference") has reviewed in its history. America's future prosperity, our place in the world, and the opportunities for our children – and our children's children – all depend on getting this Consideration right. If the Conference ignores the issues found by Manuel P. Asensio[2] (Complainant), the consequences for America and the rights of individual citizens across this country will be significant. But if the Conference acknowledges the importance of these issues and expeditiously refers the matter to Congress, America will reemerge from this dark period of judicial malfeasance and launch itself into the future with great prosperity and success.

Every single day in courtrooms around the country, judges are depriving American citizens of their inalienable rights without notice, process, or authority. This Consideration exposes the federal judicial corruption and criminal conduct that is the source of the nation's problems. This Consideration shows that the Chief Justice of the Supreme Court John G. Roberts Jr. (Roberts) is using executive acts[3]

2. Mr. Asensio is a patriot and the recognized Pioneer of Informational Arbitrage. The IJC is the nation's only authority on jurisprudence and judicial conduct that is independent of the judiciary, judiciary policy organizations, law school professors, and members of the bar who are lawyers with interest in common with the federal judges and who defer to the federal judges. Mr. Asensio founded the Institute of Judicial Conduct, Inc. ("IJC") based on common sense and ordinary intelligence is all that should be and must be necessary to rightful discern what is lawful and unlawful federal judicial conduct.

3. For a full description of "executive acts" available to the Chief Justice, *see* Dawn M. Chutkow, JOURNAL OF LAW AND COURTS Vol. 2, No. 2 (September 2014), pp. 301-325 (25 pages). Chutkow completed the first comprehensive empirical study of chief justice appointments to the Judicial Conference committees of the US Courts, entities with influence over substantive public and legal policy. Chutnow found: "Using a newly created database of all judges appointed to serve on Judicial Conference committees between 1986 and 2012, the results indicate that a judge's partisan alignment with the chief justice matters, as do personal characteristics such as race, experience on the bench, and court level. These results support claims that Judicial Conference committee selection, membership, and participation may present a vehicle for advancing the chief justice's individual political and policy interests."

to organize and enforce "national policy-making"[4] in contravention of the United States Constitution. This "national policy-making" creates sham causes of action in Federal Courts while at the same time lawlessly disposing of legitimate causes of action to enforce basic rights and liberties. The Conference's national policy-making harmed Mr. Asensio, and it is similarly responsible for what is happening to President Donald J. Trump (Trump) and his political supporters.

Members of Congress are guilty of looking the other way, but the greatest guilt lies with the chief justice who has allowed the federal judges to bastardize the Judicial Council Reform and Judicial Conduct Act of 1980 (Act).[5] Mr. Asensio is a candidate for the Republican Party's nomination to the 118th Congress, and he has drafted legislation designed to undo what Roberts has done to the Conference. Mr. Asensio's proposed legislation will hold judges accountable and effectively end judicial misconduct. A copy of this proposed legislation appears here after the Complainant's "Demand for Referral of Consideration to Congress."

The Conference and its presiding officer are directly responsible for replacing justice, due process, equal protection, and neutral principles with anti-democratic and socialist values. The Conference is prejudiced against capitalism, religious values, family, equality of the races, heterosexuality, and all the norms and values that define the rule of law. Mr. Asensio's legislation will end this fraudulent conduct by the Conference and its presiding officer.

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4. At the top of its "About the Judicial Conference" page on the Conference's website in large italic letters, between two lines, the Conference boldly declares and asserts that it is "*the national policy-making body for the federal courts*." The Conference's constitutive function is to regulate and discipline the district court federal judges to protect the Constitution and the people's will and freedoms from federal judicial policy-making. The federal judiciary branch and has no legitimate political, legislative, or executive authority.

5. Congress created this Act in the post-Watergate period specifically to address corruption in the federal judges.

Mr. Asensio has worked tirelessly to find the bad actors and excise the malevolent institutions that are destroying our democracy. In 2016, Mr. Asensio formed the IJC,[6] the nation's only independent authority on matters related to the Act and the Act itself, and the rules that govern the Act's administration of this law.

Complainant began this Consideration on March 4, 2019 by personal service on Chief Justice John G. Roberts, Jr. (Roberts) at the Conference. On December 19, 2019, he joined US Attorney General William P. Barr (Barr) in the Consideration also by personal service at the US Department of Justice (DOJ).

In the summer of 2020, Mr. Asensio collaborated with Pastor Stephen Broden, a member of the Republican Party of Texas, to pass a resolution at the party's annual convention to petition President Trump to confront Barr. Pastor Borden single-handedly tried to inform President Trump of resolution, the Consideration, and its issues backstage after the conclusion of the "Roundtable on Transition to Greatness: Restoring, Rebuilding, and Renewing" at the Gateway Church's North Dallas campus in Dallas, Texas.

On August 26, 2020, Mr. Asensio published the first edit of a cartoon story book titled *"Trump Unites All Americans!"* that illustrates exactly how Roberts and the Conference engage in lawless "national policy-making." The comic book stars Mr. Asensio's daughter Eva Asensio and President Trump, and features Barr as the Emperor (from the "Emperor's New Clothes" fable), and Roberts as the Wizard (from the Wizard of Oz story).

On June 2, 2021, Mr. Asensio became the first American to file a Consideration seeking a remedy for organized fraudulent and criminal conduct against parental rights by the Federal judiciary. Mr. Asensio's Consideration of the

6. Mr. Asensio was originally incorporated IJC under the name of Every Violation Admonished, Inc. or EVA, in honor of his daughter, Eva Asensio.

Domestic Relations and Domestic Violence Exemption (DRE)[7] sought to end the federal judges' intrusion into his own family's liberty and freedom of religion. Mr. Asensio now files this First Amendment to the Consideration. The events catalogued in this First Amendment show how the core principles and values of our great nation are under attack by "national policy-making" at the Conference.

The Conference's "national policy-making" is enforced through raw will and coercion. It violates free speech, encroaches on religious freedoms, invades parental rights, and infringes on presidential power to "take Care that the Laws be faithfully executed." The chief justice has been able to perpetrate these immoral acts by exerting absolute control over the Act and Conference.

The chief justice is the Conference's sole authority. He summons the Conference into session annually at the Supreme Court building, provides for its legal existence, and controls all appointments to the Conference's committees. The committees and their chairs have no authority at all apart from those conferred upon them by the chief justice. The chief justice controls the Conference serving not as chief justice but as:

a. The presiding officer of the Conference who calls the session to order and exercises absolute legal and administrative control over the Conference and all its committees including
    i. The Executive Committee, which is the chief justice's control body over the Conference and its committees
    ii. The Judicial Branch and Federal-State Jurisdiction Committees, which function as the federal judges' congressional lobbying bodies on separation of powers and federalism doctrines

7. The June 21, 2021 Consideration deals with "national policy-making" called the Domestic Relations Exception (DRE), which also functions as a domestic violence exception. It is a way to protect state rules that infringe on religious and political liberty under the cover of a judicially fabricated jurisdictional rule. The federal judges assert that the rule is a legitimate judicial doctrine of deference to federalism in family law. This assertion is ludicrously false. The DRE is the reverse of federalism. It protects violations of legal and civil rights by the states and violates US law related to freedom of speech and religion, and the family.

iii. The Code of Conduct and Rules of Practice and Procedure Committees to provide the federal judges the opportunity to dispose of complaints with supervision so they can use raw will to enforce "national policy-making" through criminal and fraudulent conduct;
iv. The control person who controls all five of these committees that create a direct controlling authority in the chief justice and Conference over the district;

b. The chief executive officer of the Administrative Office of the US Courts8, which keeps records of the Conference's proceedings under the Act against the federal judges confidential;

c. The chief executive officer of the Federal Judiciary Center, which is the federal judges' propaganda office;

d. The chief executive officer of the Federal Judiciary Center Foundation, which is the federal judges' lobbying organization that allows private lawyers to make tax deductible contributions directly to judges; and

e. The Chancellor of the Smithsonian, and as an ex officio member of the Smithsonian's Board of Regents, which is provides the chief justice with the prominence and power including to appoint committee members and the administration of an investment portfolio worth over $2 billion.[9]

8. The Director of the Administrative Office of the United States Courts serves as Secretary to the Judicial Conference and is also an ex-officio member of the Executive Committee, coordinates administrative support to the Conference itself and its Executive Committee, and also coordinates the activities of senior Administrative Office professional staff who dedicate all or a substantial portion of their time to the work of the Judicial Conference and its committees.

9. In 2021 the portfolio earned 40.7%.

DEMAND FOR REFERRAL OF CONSIDERATION TO CONGRESS

This Consideration has evidence showing that the Conference has turned the Act upside-down by converting the Conference from a body charged with regulating and impeaching judges into the "national policy-making"[10] body of federal judges.

As original conceived, the Act authorizes any person to impeach a sitting federal judge or group of federal judges at a regional Circuit Judicial Council and subjects the Circuit Judicial Council's investigation and resolution to consideration by the Judicial Conference. The Complainant's proposed amendments to the Act closes off the opportunity for a federal judge to wrongfully dispose or bury (rather than investigate and consider) a complaint filed under the Act.

According to the Act's plain language, Congress retains ultimate authority over the Conference by expressly requiring the Conference to make regular reports to Congress. It is a perversion of the Act for the Conference to fail to report a full recitation of the allegations of each judicial misconduct complaint to Congress. In Mr. Asensio's case, the Conference has failed to report the Consideration because the Chief Justice is determined to cover up the truth about misconduct throughout the Federal judiciary.

The chief justice has ultimate authority over the Conference and the Act. Thus, Roberts has absolute power to allow deliberate and malicious federal judicial conduct and "national policy-making," which by its very nature is treasonous [See Endnote A].

> WHEREAS the chief justice has absolute control over the Conference's five committees that regulate district court authority, and the US court's propaganda machinery, congressional lobbying organization, and enforcement of law against the federal judges;

10. *See supra* note 3.

WHEREAS the chief justice controls judicial power nationwide;

WHEREAS the Consideration shows how federal judges have not been faithful to the Constitution on issues such as the 2020 presidential election and the legal and regulatory status of President Donald J. Trump's Take care of Law authority during his term and in the post-election litigation, and parental rights and abortion nationwide; and

WHEREAS the Conference has concealed this Consideration by failing to provide Congress with a full recitation of the allegations and a discussion of its resolution.

THEREFORE, the petitioner, Manuel P. Asensio, and his minor daughter, Eva Asensio, demand that the Conference referred their Consideration to Congress.

118th Congress
1st Session

H.R. 1

IN THE HOUSE OF REPRESENTATIVES

January 3, 2023

AN ACT

To abolish the unethical and unprincipled concentration of undemocratic and unconstitutional executive power that was wrongfully provided by the 98^{th} Congress in Judicial Conduct Act of 1980 (Act) to the presiding officer of US Judicial Conference (Conference) by (1) amending the Act: (2) abolishing the Federal Judiciary Center (FJC) and repealing the FJC Foundation Act; (3) eliminating the chief justice's position as Chancellor of the Smithsonian and as a ex officio member of the Smithsonian's Board of Regents; and (4) creating a special impeachment mechanism that would permit claims to proceed against the presiding officer for national policy-making at the Conference that defeats civil liberties, the separation of church and state, separation of powers, federalism doctrines, and the powers of the office of the American presidency and Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Eva Asensio Anti-Judicial Corruption Act of 2023."

SECTION 2. ABOLITION OF FEDERAL JUDICIAL CENTER AND FEDERAL JUDICIARY CENTER FOUNDATION

(A) Chapter 16 of title 28, United States Code, Section 629 is abolished, repealed, vacated, and removed in its entirely.

(B) Chapter 42 of Title 28, United States Code, Section 620 is abolished, repealed, vacated, and removed in its entirely.

SECTION 3: REMOVAL OF CHIEF JUSTICE FROM SMITHSONIAN BOARD OF REGENTS

(A) Section 20 of Chapter 3 of title 20, United States Code is amended to remove the Chief Justice of the United States from the Board or Regents of the Smithsonian Institution.

SECTION 4: ANY PERSON'S RIGHT TO FILE COMPLAINTS AGAINST A FEDERAL JUDGE

(A) Chapter 16 of title 28, United States Code, Section 351 is amended to add the following subsection:

(e) Report by the Chief Judge

> Upon the filing of any complaint alleging that a judge has, or group of judges have, acted fraudulently or otherwise engaged in clearly discernable unauthorized, unreasonable, or illusory conduct with the clerk of court, the Chief Judge must within 30 days of the date of filing of the complaint produce a report containing a full recitation of the factual allegations of each overt fraudulent or illusory act performed by a judge or group of judges and include in the report how the each overt fraudulent or illusory act is alleged to have affected any right or doctrine guaranteed under the United States Constitution.

(B) Chapter 16 of title 28, United States Code, Section 352(a)(2) is amended to delete the phrase: "the chief judge may request the judge whose conduct is complained of to file a written response to the complaint," and replaced with

the phrase: "the chief judge must request the judge whose conduct is complained of to file a written response to the complaint."

(C) Chapter 16 of title 28, United States Code, Section 352(c) is amended to delete the phrase "the denial of a petition for review of the chief judge's order shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise" and replaced with the phrase: "the denial of a petition for review of the chief judge's order shall be immediately appealable to the full Judicial Conference."

(D) Chapter 16 of title 28, United States Code, section 352 is amended to add the following subsection

(e) Consideration by the Judicial Conference

> At any time during the proceedings, the complainant has a right to present to appeal to the full Judicial Conference a Demand for Consideration. Neither the subject judge or judges nor the verifying chief judge has any right to respond to the appeal. The US Judicial Conference's presiding officer must acknowledge and verify the appeal within 5 days, and the Consideration must be processed in accordance with section 365.

SECTION 5: TRANSPARENCY IN THE CONFERENCE

(A) Section 351 of Chapter 16 of title 28, United States Code is amended by adding the following subsection:

(e) **Notification Requirements When Substituting Chief Judge –**

> Should the Chief Judge of a Judicial Council transfer authority to review a complaint to another judge, the transfer is not valid unless and until the complainant is provided written notification of the transfer."

(B) Section 352(b)(2) of Chapter 16 of title 28, United States Code is amended by adding the following language:

"The chief judge shall personally serve copies of the written order to the complainant and to the judge whose conduct is the subject of the complaint within five business days. No order of the chief judge is effective unless and until personal service is completed during this timeframe."

(D) Section 352 of Chapter 16 of title 28, United States Code is amended by adding the following subsection:

(e) Filing of Consideration in the District Court Docket. –

In the event a complainant seeks review of a final order of the chief judge of a judicial council, the complaint and full record of the investigation shall be filed in the electronic docket of the case in the United States District Court that gave rise to the judicial complaint.

(D) Section 359 of Chapter 16 of title 28, United States Code is repleaded and replaced by adding the following subsections:

(a) **Restriction on Individuals Who Are Subject of Investigation.—**

No judge whose conduct is the subject of an investigation under this chapter shall serve appear at a judicial council or the Judicial Conference for any reason or purpose until all proceedings under this chapter relating to such investigation have been finally terminated.

(b) **Amicus Curiae.—**

Any person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

SECTION 6: REMOVAL OF CONFIDENTIALITY PROVISIONS

(A) In General – Section 360, Chapter 16 of Title 28, United States Code is amended by repealing subsection (a) and replacing it with the following subsection:

(a) Confidentiality of Proceedings. –

"No papers, documents or records of proceedings related to investigations conducted under this chapter shall be confidential."

SECTION 7. MECHANISMS FOR IMPEACHMENT OF JUSTICES AND JUDGES

(A) In General – Chapter 16 of title 28, United States Code, is amended by adding at the end the following section:

Sec. 365. Mechanism for Impeachment

(a) Creation of the Commission to Regulate Use of Judicial Raw Will and Coercion in US Courts –

(1) On the first day of the legislative session of each new Congress, the President shall select five members from his Executive staff, the Speaker of the House of Representatives shall select five members of the House of Representatives, and the President Pro Tempore of the Senate shall select five members from the Senate to serve on the Joint Executive and Congressional Commission to Regulate Use of Judicial Raw Will and Coercion in US Courts (Commission).

(2) Each member of the Commission will serve a maximum period of two years or one term of Congress. Each member serves at the pleasure of the President, the House of Representative, and Senate and can be removed and replaced by them for any reason. Replacement members will serve shortened terms that end on the last day of the Congress for which they are appointed.

(3) The Commission shall have jurisdiction to review any and all complaints of judicial misconduct filed by any person with the Judicial Council and Judicial Conference.

(4) The Judicial Conference shall have 90 days to resolve a Consideration and report a full recitation of the allegations the Commission.

(5) No complaints or Considerations may be filed directly with the Commission.

(6) The Commission shall have the authority to investigate any Consideration filed at the Judicial Conference and remove any justice or judge from office under the standards set forth in Section 366 of this Act.

(7) Not later than 100 days after the date of enactment of this Act, the Commission shall publish written rules and procedures for the review of reports of judicial conduct complaints filed and Consideration with the Commission under this Act.

SECTION 8. STANDARDS FOR IMPEACHMENT OF JUSTICES AND JUDGES

(A) In General – Chapter 16 of title 28, United States Code, is amended by adding at the end the following sections:

Sec. 366. Standards for Impeachment

(a) Constitutional Basis –

(1) A justice or judge of the United States shall be removed from office upon impeachment for, and conviction of, the infringement on individual liberties and inalienable rights, the creation of fabricated judge-made national policies that have no textual basis in the United States Constitution, or other high crimes and misdemeanors, as provided in Article II, section 4 of the United States Constitution.

(2) A justice or judge of the United States shall hold office during good behavior as provided in Article III, section 1 of the United States Constitution. As justice or judge failing to act with good behavior shall be removed from office by the Commission to Regulate Use of Judicial Raw Will and Coercion in US Courts."

[End]

CONSIDERATION OF THE IMPACT OF THE US JUDICIAL CONFERENCE'S AUTHORIZATION AND ORGANIZATION OF FRAUDULENT AND CRIMINAL CONDUCT BY FEDERAL JUDGES IN THE 2020 PRESIDENTIAL ELECTION RESULTS AND CERTIFICATION OF THE ELECTRAL VOTES
AND THE
CONSIDERATION OF FEDERAL JUDICIAL OPPOSITION AND INTERFERENCE WITH THE PEOPLE'S POWER AND WILL TO TRANSFER TAKE CARE OF LAW PROSECUTORIAL POWERS TO PRESIDENT DONALD J. TRUMP, AND THE LEGAL AND SOCIETAL STATUS OF PARENTAL RIGHTS[11], AND CANCEL CULTURE. [12]

Under Article II, Section 3, of the United States Constitution, the President of the United States is bound to "take Care that the Laws be faithfully executed." It is well proven[13] that the Take Care Clause is by far the single most major source of presidential power. The people democratically elected the President Donald J. Trump, and therefore President Trump was bound to Take Care of Law and remain faithful to the will of the people. President Trump's obligation was not to the Conference, Federal Judges, or lawyers – his obligation was to every citizen in the United States. The text of Article II makes clear that the President has broad authority to take whatever action is necessary to stay faithful to the Constitution and to exercise supremacy over the federal judges to protect the Constitution.

11. In family law the Conference has bastardized justice to such an extent that states have dropped juries, evidence rules, codified charges with neutral principles, neutral judging, and the right to confront an accuser. This end of due process and equal protection has taken over parental rights, religion and speech, and private property, and allowed the use of absolute government power against Americans.

12. The June 21, 2021 Consideration and this First Amendment does not deal the effect of the Conference's authorization of fraudulent and criminal conduct to enforce Leftist and Marxist social ideologies in the US. Rather, it focused on parental rights and the 2020 Election that makes this conduct obvious to all.

13. Leah M. Litman, Taking Care of Federal Law, 101 VA. L. REV. 1289, 1297 (2015) and THE PROTEAN TAKE CARE CLAUSE. Henry L. Shattuck, Professor of Law, Harvard Law School. Bruce Bromley Professor of Law and Deputy Dean, Harvard Law School. *Lujan v. Defenders of Wildlife, Los Angeles v. Lyons, Simon v. E. Ky. Welfare Rights Org., Allen v. Wright, Massachusetts v. Mellon*.

Chief Justice John G. Roberts Jr. and former US Attorney General William P. Barr purposefully and maliciously violated Article II of the Constitution. Specifically, Roberts and Barr interfered with President Donald Trump's ability to Take Care of Law. While Barr undermined President Trump's policy initiatives by placing artificial limitations on his executive authority, Roberts organized the Federal judiciary against Trump and instructed judges to invalidate the Presidential authority, actions, policies, and executive orders.

In the 2020 presidential election and post-election litigation, Barr interfered with the Take Care Clause by announcing that he was refusing to investigate legitimate claims of fraud. Federal judges followed suit by disposing and throwing out private efforts to what the people called "stop the steal." To cut off Congressional review, Barr and his cronies went around Trump to persuade former Vice President Mike Pence to refuse to refer the matter to Congress as he was bound to do. These actions were morally and legally reprehensible and both Barr and Pence must be held accountable.

In the same way, Roberts and Barr purposefully and maliciously violated the Constitutional rights of Manuel P. Asensio. Specifically, Barr and Roberts interfered with Mr. Asensio's ability to take care of his daughter and prohibited Mr. Asensio from passing down his family's traditions, conservative political beliefs, and Judeo-Christian religious values. While Barr allowed New York State to take law enforcement actions to undermine Mr. Asensio's position, the evidence in the June 21, 2021 Consideration shows that Roberts instructed Federal judges to dispose of his rightful and just claims. Mr. Asensio discovered the origins of these illegal act and fought back by filing the June 21, 2021 Consideration demanding to be heard in Congress.

Barr and Pat Cipollone, Leonard Leo, Steve Calabresi, Mike Luttig, Richard Cullen, Ed Wheelan, Greg Jacob, and John Yoo maliciously controlled President Trump and interfered with his ability to take care of law. They convinced Trump to decline to use his inherent power to resolve the controversies in the 2020 election, and these same culprits convinced Pence to wrongfully certify the electoral votes. Collectively they did not allow Congress to follow the model used to resolve disputes in the 1876 election. When there were accusations of cheating in that contest, Congress appointed an electoral commission to examine claims of voter fraud –including five members of the Supreme Court, five members of the Senate and five members of the House of Representatives. Despite widespread evidence of fraud in the 2020 contest, no such commission was appointed, and an illegitimate President sits in the White House. Despite his best intentions, Trump was unable to get his claims reviewed by Congress.

Out of love for his child, liberty, and country, Mr. Asensio found an effective legal mechanism to get his issue before Congress. President Trump can use the same mechanism.

Mr. Asensio is the first American to use the Act to hold the Chief Justice and the Attorney General accountable after exhausting his legal right in a state and US district court. This legal mechanism bypasses the Conference's "national policy-making" that created and authorized the state and federal crimes used against him and family.

After discovering that Barr allowed Roberts to abuse his administrative authority,[14] Mr. Asensio filed the nation's first Consideration with the U.S. Judicial

14. Roberts is the presiding officer of the US Judicial Conference, the chief executive office of the Administrative Office of the US Courts, the Federal Judiciary Center, and Federal Judiciary Center Foundation, and his positions as Chancellor of the Smithsonian, and as an ex officio member of the Smithsonian's Board of Regents.

Conference.[15] Applying his exhaustive research into "national policy-making" in family law, Mr. Asensio filed this First Amendment to the June 21, 2021 Consideration under the Act.

Therefore, because Roberts and Barr used the same corrupt processes and mechanisms to violate both Mr. Asensio's Constitutional rights and violate President Trump's Article II powers, Mr. Asensio has increased his monetary compensation demand from $100 million to $250 million.

15. Mr. Asensio also filed a criminal indifference to civil rights suit against in the U.S. District Court for the Southern District of New York. *See Asensio et al. v. DiFiore et al.*, 18 CV-10933 (known as the "DRE Civil Rights Case") and presided over by Judge Ronnie Abrams, and *Asensio et al. v. Roberts et al.*, 19 CV-03384 (known as the "DRE Criminal Indifference to Civil Rights Case") presided over by Judge Katherine Polk Failla. Mr. Asensio also filed complaints with the Department of Justice file under ID numbers 4381283 and 4381289.

**MEMORANDUM IN SUPPORT
OF FIRST AMENDMENT TO DEMAMD FOR CONSIDERATION
BEFORE THE JUDICIAL CONFERENCE OF THE UNITED STATES
UNDER THE JUDICIAL CONDUCT ACT OF 1980**

TABLE OF CONTENTS

A. Executive Summary

On January 6, 2021, President Donald J. Trump's supporters were the victims of a massive fraud perpetrated by the Republican establishment. This fraud has two elements. The first is that former US Attorney General William P. Barr took over President Donald J. Trump's constitutional executive and political power and handed it to the federal judiciary. Barr conducted this takeover with the help of eight of his legal cronies: Pat Cipollone, Leonard Leo, Steve Calabresi, Mike Luttig, Richard Cullen, Ed Wheelan, Greg Jacob, and John Yoo. The second is Barr's usurpation of Trump's power and participation in Chief Justice John G. Roberts, Jr.'s "national policy-making" against Trump. Barr acquiesced to Roberts's fabrication of fifty nation-wide injunctions against Trump through "national policy-making" at the Conference. Barr allowed Roberts to organize the federal judges against Trump to infringe on Trump's executive power. Barr subordinated Trump to Obama's immigration executive orders including Obama's orders violate immigration laws and to remove the citizenship question form the US Census. Barr's control of execute power and Roberts's control of the Conference created absolute power[16] that resulted in the absurd certification of a stolen election and the installation of an illegitimate president.

The original Consideration of June 21, 2021 concerned only <u>one</u> area of law and only <u>one</u> specific "national policy-making" governing the legal status of parental rights: the so called the DRE. The Consideration shows how Roberts and Barr worked together to illegally change the legal status and regulatory treatment of the

16. In 1887, Lord Acton wrote to Bishop Creighton that the same moral standards should be applied to all men, political and religious leaders included, especially since "Power tends to corrupt and absolute power corrupts absolutely." It is no surprise that Roberts, who holds the positions of Chief Justice of the Supreme Court, Chief Executive Officer of the Administrative Office of the US Courts, Chief Executive Officer of the Federal Judiciary Center, and Chief Executive Officer Federal Judiciary Center Foundation, has let his absolute power corrupt absolutely.

parental rights nationwide-which under US law are fundamental rights that are more precious that property right and that neither judges nor Congress can govern at all, no matter what process is government attempts to use.[17] Endnote B cites merely a few of the Consideration's binding authority showing the absurdity of using "national policy -making" to take over parental rights.

The June 21, 2021 Consideration proved two things: (1) that the Conference has no control over Roberts will not discipline his use "national policy-making" to infringe on substantial rights; and (2) that establishment politicians on both sides used the Conference (through the Chief Justice) and the Department of Justice (through the Attorney General) to brutally coerce Americans.[18]

17. "The Court has frequently emphasized the importance of the family. The rights to conceive and to raise one's children have been deemed 'essential,'1 'basic civil rights of man,'2 and 'rights far more precious . . . than property rights.'3 'It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.'4 The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment,2 and the Ninth Amendment." *Stanley v. Illinois*, 405 U.S. 645, 651 (1972): *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942); *May v. Anderson*, 345 U.S. 528, 533 (1953); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Stanley v. Illinois*, 405 U.S. 645 (1972)

"The identification and protection of fundamental rights" (*see Obergefell v. Hodges*, 135 S.Ct. 2584, 2597– 98 (2015) and the duty to protect fundamental liberties "deeply rooted in this Nation's history and tradition" (*id.*, at 503, 97 S.Ct., at 1938 [plurality opinion]; *Snyder v. Massachusetts*, 291 U.S. 97 (1934) that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental" and so "implicit in the concept of ordered liberty" that "neither liberty nor justice would exist if they were sacrificed" (*Palko v. Connecticut*, 302 U.S. 319 (1937) and that neither judges nor Congress can govern, "at all, no matter what process is provided" (*Washington v. Glucksberg*, 521 U.S. 702 (1997)).

"The neutrality principle" forbids courts to "mak[e] law or policy out of whole cloth, [or] . . . to impose substantive judicial judgments on disputes not capable of resolution through the application of neutral principles to sharply defined sets of facts." Richard H. Fallon, Jr., Reflections on the Hart and Wechsler Paradigm, 47 Vand. L. Rev. 953, 976 (1994).

18 The Conference is the primary artifice of government used to destabilize truth and create the false narrative of January 6, 2020. As Thomas Jefferson wrote in *Notes on the State of Virginia*, "It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors." Philadelphia: Prichard and Hall, 1788).

This First Amendment to the June 21, 2021 Consideration shows that the pernicious effects of the Conference extend well beyond the DRE. The Conference used "national policy-making" to take over the Trump administration, quashing legitimate fraud claims filed in post-election litigation, and encouraging Mike Pence's unilateral and arbitrary decision to certify the 2020 election rather than refer the matter to Congress. Even though Trump vanquished sixteen establishment candidates in the 2016 presidential primary and defeated Hilary Clinton in the general election, Roberts and Barr colluded to deny President Trump's political power. The establishment fabricated the Mueller investigation, created over fifty "national policy-making" injunctions aimed at ruining Trump's reelection chances,[19] and pushed Pence into certifying the election without care of the consented legal matters and factual controversies never tried in US courts rather than simply referring the matter to Congress to resolve properly as in the 1876 presidential election.

This First Amendment further shows that the Conference's "national policy-making" is guilty in the killing of millions of innocent human lives. One of the clearest examples of "national policy-making" occurred when the Supreme Court

19. In October 2019, Judge George B. Daniels of the U.S. District Court for the Southern District of New York issued a nationwide injunction of Trump's immigration policy. This was an example of the execution of "national policy-making" against the Trump Administration. The Supreme Court reviewed the matter in *Dep't of Homeland Sec. v. New York*, 140 S. Ct. 599, 599–601 (2020). The Supreme Court struck down the nationwide injunction. They derided the idea of district courts imposing nationwide injunctions on Trump administration policy. Justice Neil Gorsuch, joined by Justice Clarence Thomas, issued a five-page concurring opinion arguing that such nationwide injunctions exceed the authority of federal judges. "The real problem here is the increasingly common practice of trial courts ordering relief that transcends the cases before them. Whether framed as injunctions of 'nationwide,' 'universal,' or 'cosmic' scope, these orders share the same basic flaw — they direct how the defendant must act toward persons who are not parties to the case," Gorsuch wrote. "**What in this gamesmanship and chaos can we be proud of?**" Gorsuch asked. However, the Conference did nothing to punish Daniels or any of the other judges that fabricated over fifty other "cosmic" order against Trump, and the Conference did nothing to remedy the harm done to the Trump administration's prestige and reputation.

held in *Roe v. Wade* that the United States Constitution protected the right to kill the unborn. This policy decision – made by unelected judges without democratic input – was an abomination. A judges power to create the right to murder does not exist in the Constitution and would be unimaginable in our Founding Generation. The fact that Federal judges continue to allow murders to occur tears at the very fabric of our society.

As noticed in the warning on page two of this the First Amendment, Roberts has bastardized the Judicial Conduct Act and turned the Conference into a criminal and fraudulent "national policy-making" body. President Jimmy Carter and Congress created the Act during the Watergate-Era to protect the Constitution from a "national policy-making." The law set up the Conference as a law enforcement organization to prevent corruption – yet Roberts turned the Conference into a body that *engenders* corruption. This led Mr. Asensio to form the Institute of Judicial Conduct, Inc.[20] (IJC) in 2016. The IJC has since developed it into the nation's leading independent authority[21] on policy related Act.

"National policy-making" at the Conference is treasonous[22] and tyrannical [*see* Endnote C]. It is the greatest threat to the Constitution, America's stable

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20. Mr. Asensio was originally incorporated IJC under the name of Every Violation Admonished, Inc. or EVA.

21. Mr. Asensio is a patriot and the recognized Pioneer of Informational Arbitrage. The IJC is the nation's only authority on jurisprudence and judicial conduct that is independent of the judiciary, judiciary policy organizations, law school professors, and members of the bar who are lawyers with interest in common with the federal judges and who defer to the federal judges. Mr. Asensio founded IJC based on common sense and ordinary intelligence is all that should be and must be necessary to rightful discern what is lawful and unlawful federal judicial conduct.

22. Roberts's "national policy-making" at the Conference allowed deliberate violations of the canons of good conduct, truth, and reason to conceal facts, factors, or circumstances, to break laws relevant to the 2020 presidential election. The Conference violated democratic standards and the Constitution's separation of powers doctrine. Specifically, the Conference's national policy-making violates 22 U.S.C. § 2072, which clearly states that the Supreme Court may not prescribe rules that "*abridge, enlarge, or modify any substantive right*." Such policy-making also violates Rule 1 of the Federal Rules of Civil Procedure, which states that no rule should be "*construed,*

continued economic growth, prosperity, and democracy. The Conference has corrupted the administration of our laws, the defense of our borders, our monetary policy, and the protection of our basic liberties. For these reasons, the petitioners amend their June 21, 2021 Consideration and increase their monetary compensation from $100 million to $250 million.

B. National Policy-Making at the Judicial Conference Is Destroying America

In honor of his daughter, Mr. Asensio founded the Institute of Judicial Conduct, Inc. ("IJC"), which has become the nation's leading independent authority[23] on the federal judicial conduct. The IJC has three principal goals: (1) to explore and expose misconduct by judges within the Federal Judiciary; (2) to explore and expose the manner in which the chief justice of the United States Supreme Court controls the Judicial Conduct Act of 1980 (Judicial Conduct Act) as the presiding officer of US Judicial Conference, and the chief executive officer of the Administrative Office of the US Courts, the Federal Judiciary Center, and Federal Judiciary Center Foundation; and (3) to explore and expose the manner in which the Chief Justice destroys American's constitutional liberty and rights through secret proceedings, secret associations, and secret oaths within the Judicial Conference.

The Judicial Conference has illegally engaged in national policy-making for decades. Roberts has absolute and unilaterally control over the agenda of the Conference and the committees, and appointment of members of committee. He

administered, and employed" to delay, obstruct, impair, or interfere with the right to secure a "*just, speedy, and inexpensive determination of [any] action and proceeding*."

23. At the IJC, Americans' Bill of Rights is the entire charter of government enacted by the US Constitution that begins with the authoritative statement "We the People" and established its fundamental purpose as the limitation of government jurisdiction, power, and authority in order to "secure the Blessings of Liberty" for the People. The greatest protection in the US Constitution is to make the People the decision makers on all criminal cases, to narrowly define the offense of Treason to protect against false or flimsy prosecutions and to limit the judges' power to "Controversies" under the US Constitution and US laws.

gives the Conference its authority. The committees have no power independent of him. This provides Roberts with the opportunity to fabricate for himself far more power and far more wide-yielding control over the people's will and federal and state government than he has as the chief justice of the US Supreme Court. This unfettered administrative control over judicial conduct is far greater than the legal power that the Chief Justice and the eight Associate Justices have when acting on behalf of the US Supreme Court.

The best-known example of national policy-making occurred when the Supreme Court held in *Roe v. Wade* that the United States Constitution protected the right to kill the unborn. This policy decision – made by unelected judges without democratic input – was an abomination. The right to murder does not exist in the Constitution and would never have been condoned by our Founding Fathers. The fact that Federal judges continue to allow murders to occur tears at the very fabric of our society.

Abortion is not the only example. The Judicial Conference also routinely applies the Domestic Relations Exception (DRE), which also functions as a domestic violence exception, to infringe on religious and political liberty under the cover of a judicially fabricated jurisdictional rule. The federal judges assert that the rule is a legitimate judicial doctrine of deference to federalism in family law. This assertion is ludicrously false. The DRE is the reverse of federalism. It protects violations of legal and civil rights by the states and violates US law related to freedom of speech and religion, and the family.

The DRE distorts and makes unworkable parental rights in the law and society to the point that legal scholars are arguing that government has the power eliminate

even the notion of parental rights.[24] Roberts has used the Judicial Conference's law machinery to hide the fact that Federal and State judges are trampling on the rights of individual Fathers all over the country. Roberts is covering up an illegal policy of excluding child custody and domestic violence constitutional cases from US Federal courts, which enables State court judges to act with impunity. This fabricated policy authorizes fraudulent federal judicial conduct to protect fraudulent state judicial corruption.

In short, both abortion and the DRE are judicial fabrications that require the Conference's "national policy making" approval. Both have turned civil society's greatest religious and most noble ideals (*i.e.*, the wonder, value and dignity of human life and raising children) into an income stream for lawyers.

C. Judicial National Policy-Making Was Used to Thwart President Trump's Agenda

Unbeknownst to President Trump, the Judicial Conference orchestrated a judicial takeover of the American Presidency during Trump's term. Bill Barr was a "never Trumper" who pretended to serve Trump but was the primary figure responsible for his undoing.[25] Barr and former Chief White House Counsel Pat Cipollone – as well as their cronies Leonard Leo, Steve Calabresi, Ed Wheelan, and John Yoo – controlled President Trump's federal judiciary and 'take care of law'

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24. 1994 Parents' Religion and Children's Welfare: Debunking the Doctrine of Parents' Rights, 1997 Setting Standards for Parenting - By What Right? James G. Dwyer, William & Mary Law School

[25] Information has come into the public record that William Barr and former federal judge J. Michael Luttig talked with each other about becoming Trump's Attorney General. Luttig is a notorious anti-Trumper who went so far as to provide Michael Pence with reasons why Pence should certify the fraudulent election results. Luttig and Barr's mutual personal animosity and adversarial political ideology towards President Trump, and their joint role in a last-hour chaotic secret intervention into Mike Pence's decision to certify the election, proves that Barr was working against Trump from the beginning.

policies. They concealed from President Trump information about the Conference's "national policy-making" and how the chief justice controls the conduct of district court judges. They deferred to Roberts and the Conference's "national policy-making" before, during, and after the election, as if these judges somehow owned powers that only belong in the hands of the American people.

One example of this is the fabrication and enforcement of over fifty lawless nationwide injunctions in US courts against President Trump throughout his presidency for the purpose of slandering President Trump's immigration and other anti-WOKE policies as racist. Another example is the fabrication of the preposterous claim that reversing Obama's executive DACA order and order to not ask a citizenship question on his 2010 Census (for the first time in the nation's history) and to put a citizenship question on the 2020 Census was illegal because it was racist.

Bill Barr, along with the lawyers in the White House Counsel's Office, prevented Trump from using his take care of law power to defend himself and the Office of the American Presidency. This was treason and done for the sole reason of protecting the Judicial Conference as it executed its own national policy-making agenda that conflicted with the ideals of Trump and most Americans.

D. Manuel Asensio Discovered Barr's Two-Faced Treason

In his two major policy speech,[26] former US Attorney General William P. Barr outlined how a group of trial court (district) federal judges had created a fraudulent and criminal scheme to fabricate nationwide injunction against President Donald J.

26. See official transcript of Attorney General William P. Barr's Notre Dame speech posted on the Department of Justice's website titled "Attorney General Barr Delivers Remarks to the Law School and the de Nicola Center for Ethics and Culture at the University of Notre Dame, South Bend, IN Friday, October 11, 2019" and his Federalist Society speech also posted on the DOJ's website titled "Attorney General William P. Barr Delivers the 19th Annual Barbara K. Olson Memorial Lecture at the Federalist Society's 2019 National Lawyers Convention Washington, DC Friday, November 15, 2019."

Trump's immigration policy. In the first speech Barr described the federal judges' "monstrous" scheme to end religious beliefs and worship in American society through fraudulent and criminal conduct in US courts and announced that one of his and President Trump's top priorities for the DOJ was to protect religious freedom and liberty from corrupt federal judges. In the second speech, Barr described why the federal judges' nationwide injunctions were entirely illegal and how they were violations of the Constitution's separation of powers doctrine and a lawless intrusion on President Trump's executive power.

Barr did not to mince words. He called out the federal judges who treated politics as religion saying that they acted as if they were gods to justify breaking laws and using raw will and coercion to remake man and society; who committed fraud to force Americans to violate their conscience; who looked to break down traditional moral values and to replace the rule of law with moral relativism; who were "militant secularists judges" who sought to destroy religious beliefs; who engaged in "monstrous" conduct to interfere with a parent's right to pass down their faith to their children.

Barr described how the federal judges who fabricated over forty nationwide injunctions against President Trump's policies had radically inflated the role of mere district judges. How these injunctions had no foundation in the Constitution, or law. How no single appellate judge or Supreme Court justice can issue an injunction against a president. Yet forty single mere trial judges had stopped President Trump from doing his job. Barr noted that the trial had even interfered with President Trump's decision to rescind President Obama's discretionary DACA executive order even though these orders were unlawful. In fact, a district judge enjoined President Trump's rescission of DACA by issuing a nationwide injunction on the same day that President Trump invited Nancy Pelosi, Chuck Schumer, and the press

to the White House to discuss President Trump's proposed immigration legislation. This clearly creates the appearance of collusion between the federal judges and Pelosi and Schumer.

Federal judges simply cannot claim to be acting as co-equals when they engage in monitoring and judging presidential discretion and the soundness of a president's political choices, much less when they take sides between the legislative and executive branches or act fraudulently to interfere with religious liberty. And much less when they organize themselves to collude with a president's political opposition.

Barr gave these speeches before a district court judge working with New York State's prosecutors executed a scheme to the reverse President Obama's decision to take the citizenship question off the Census.

Yet oddly, and suspiciously, never once mention the names of any of the offending judges. He never accused a single judge of misconduct. Even more questionable, and more suspicious, Barr did not mention the source of the problem, nor did say that he would address the problem.

Instead of admonishing and impeaching the subject federal judges himself through his authority as head of the DOJ, or advice President Trump to act himself under his "take Care that the Laws be faithfully executed," Barr remained silence. Barr shows them deference. He gave them creditability. Barr's conduct created the impression that the federal judges were right, and President Trump was wrong in the eyes of the media. Thus, popular culture, academia, and even church pastors were all led to believe that the federal judges were a reasonable, honest authorities who were working within their proper authority, and President Trump was not.

Most importantly, Barr did not mention the Act and the US Judicial Conference (Conference) and how any person could file a complaint against these

judges, and how he at the DOJ could join in their prosecution. The Act authorizes any person to file a complaint against a federal judge based on allegation of deliberate and malicious misconduct that cannot adjudicated through normal appellate review.

At least one US citizen noticed the inconsistencies between Barr's high-handed rhetoric and suspicious and highly questionable conduct towards the constitution and the President. He was Manuel P. Asensio. Shortly after studying Barr's speeches, Mr. Asensio perfected service on Barr and joined Barr in the parental rights proceedings at the Conference.

E. Judicial National Policy-Making Was Used to Steal the 2020 Election.

1. Malicious Acts and Tampering by Roberts During the Presidential Campaign

Chief Judge Roberts started interfering in the 2020 election during the presidential campaign between Trump and Biden. In a criminal case in the Southern District of New York, District Judge Ronnie Abrams set aside a unanimous jury guilty verdict against Damon Archer and two of his six co-defendants.[27] Damon Archer was a known associate of Hunter Biden, and Archer's conviction could have led to the conviction of Hunter Biden and the entire Biden family. Four of Mr. Archer's co-defendants had pled guilty before the trial began. The trial lasted five and a half weeks. The jury saw it as an "open and shut" case making its unanimous decision in less than 3 hours without having to ask any questions. Despite the unanimous jury verdict against Archer, Roberts instructed Ronnie Abrams to set

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27 "Robert Khuzami, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, announced that John Galanis, a/k/a "Yanni," Devon Archer, and Bevan Cooney were each convicted today of conspiracy to commit securities fraud and securities fraud, following a five and half week trial before U.S. District Judge Ronnie Abrams. Mr. Khuzami said: "As a unanimous jury swiftly found, these defendants orchestrated a highly complex scheme to defraud a Native American community and multiple pension funds, all to corruptly bankroll their own personal and business interests."" https://www.justice.gov/usao-sdny/pr/three-convicted-manhattan-federal-court-fraudulent-issuance-and-sale-more-60-million

aside the verdict to protect the Biden family.[28] To accomplish this, Abrams fabricated evidence in her November 15, 2018 Opinion and Order granting Mr. Archer's motion for a new trial in the Oglala Sioux Tribe case.[29] Roberts also obstructed essential proceedings in deciding whether the political associations of Judge Abrams impermissibly influenced her to grant Mr. Archer a new trial and put off the matter until after the 2020 elections.

Recent revelations about Hunter Biden's "Laptop From Hell" shows the extent of the damage caused by Chief Judge Roberts and Judge Abrams. The laptop revealed audio and text messages between Hunter Biden and a top Walmart executive discussing "pulling the trigger to stop Trump" from winning the 2020 presidential election. A file found in the iTunes folder of Hunter's laptop revealed an audio transcript from 2018 between Hunter and Walmart Corporation Chairman of the Board Greg Penner discussing "pulling the trigger" to stop President Trump and his movement in the 2020 election. Screenshots of text messages and emails show Penner in 2017 asked Hunter to discuss something "that's best not to be done by text or email." None of these facts became known before the 2020 election because Judge Abrams knowingly and maliciously attempted to derail the prosecution of Devon Archer to further her interest in supporting the liberal elite and then-Presidential candidate Joseph R. Biden.

2. <u>Corrupt Interference by Roberts During the Certification Process</u>

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28. In the original Consideration, Mr. Asensio supplied a high-level description of how Judge Ronnie Abrams subverted justice in the Devon Archer case. The Conference is ignoring the January 24, 2020 conduct complaint against Abrams.

29. United States of America v. John Galanis, Bevan Cooney, and Devon Archer, 366 f. supp. 3d 477(2018).

On January 6, 2020, Mike Pence unilaterally and arbitrarily denied the people and Congress their right to consider and decide the impact of fraud on the 2020 presidential election. Vice President Pence did not need courage to protect the people's will because he had the law on his side. Each state has its own right to certify their electoral votes, and Congress had the right to consider all the facts, factors, and circumstances. The honest, reasonable, and proper thing is easy and does not require courage. It requires peace. One thing is now clearly known, his advisors offered Mr. Pence no peace.

Mr. Pence failed in his constitutional duty when he certified Electoral College votes. The narrative set up by Barr and his federal judiciary policy cronies (including Greg Jacob the former Counsel to the Vice President, Deputy Assistant to the President) is that Mr. Pence "had no right to overturn the election." This is entirely beside the point. Mr. Pence's job was to count legitimate electoral college votes. The state certified their votes not him. Pence failed in his duty after adequate warning from the States. Pence failed because he did not heed these warnings.

Hours before his obligatory appearance in Congress, Mr. Pence was pushed to make his decision by – who else? – a former Federal judge. Mr. Pence made his decision based on the advice of Richard Cullen who in turn was working behind the scenes with Luttig and Barr. Together, they convinced Mr. Pence that his decision would not betray President Donald J. Trump. In an interview with a group called "Checks & Balances," Judge Luttig angerly shows his contempt for President Trump. During the interview, Luttig also scorned Trump's supporters and what they were trying to accomplish. Luttig made clear that his mission is to remove all the power from the President and Congress and instead place them in the Courts.

Information has come into the public record showing how Vice President Mike Pence arrived at his decision to certify the electoral votes in the 2020

presidential election. This denied Americans the right to have Congress consider the impact of organized federal judicial misconduct towards President Trump throughout his administration on voters in the 2020 presidential election and in the processing of allegations and evidence of voter fraud. Information has come into the public record of former federal judge, J. Michael Luttig's last-hour chaotic secrete intervention in Mr. Pence's decision to consideration of the existence of anti-Trump "national policy-making" at the Conference and the enforcement of this policy by the federal judges throughout Trump's administration.

In a story published by *Politico* on February 18, 2022, titled, "The Never Before Told Backstory of Pence's January 6th Argument,", Luttig reveals how a frenzied attorney, Richard Cullen, desperately called him at 6:45 a.m. on January 5, 2021. Mr. Cullen called Judge Luttig unexpectedly to get him to write something to help persuade Mr. Pence to certify the electoral votes.

At 9:53 a.m. on January 5, 2021, Judge Luttig, who had been retired for 15 years, posted seven tweets on the social media platform Twitter. His tweets have no factual or legal analysis, or reasoning. The tweets show no authority. They are conclusionary statements made as if Judge Luttig had the right to issue commandments. Mr. Pence incorporated the tweets into his letter to Congress. Otherwise, the tweets would be unheard of and meaningless.

Mr. Pence could have naturally, honestly, and modestly—without any uncertainty—simply declined to certify the electoral votes, and Congress could have and would have resolved the controversy in a matter-of-fact manner as it did on January 29, 1877, without any complications.

Instead, Mr. Pence worked with Mr. Cullen, who in turn was working behind the scenes with Judge Luttig and former US Attorney General William P. Barr, to fabricate an elaborate scheme to take over the election without an iota of concern for

the Constitution or loyalty to truth, the American people, the office of the American presidency, or its occupant.

3. <u>Fraudulent Manipulation by Roberts During the Post-Election Litigation</u>

The best example of "national policy-making" at the US Judicial Conference can be seen in the organized deliberate and malicious federal judicial conduct in the post-election litigation. There were over fifty such cases. Unmistakable evidence lies in the text of US Supreme Court's decisions to vacate some of these deliberate and malicious district court misconduct. Conference did not discipline any of the federal district court judges who engaged in malicious and deliberate misconduct against President Trump.

There are many reasons to be skeptical of the 2020 election results. These reasons can be divided into three categories: (1) lax enforcement or violations of election laws and controls; (2) fraudulent votes and ballot stuffing; and (3) corruption of voting mechanisms. This is not the place to fully identify and examine every allegation. But many of these irregularities raise legitimate concerns and need to be taken seriously. I believe that the power to conduct a full investigation was placed in the wrong hands, and the wrong people decided to allow a rigged election to stand.

First, Barr betrayed President Trump by ending the investigation before it began. Barr came forward and declared there had been no fraud in the 2020 election just at the President was making his case to the American people that the election had been stolen. Barr's betrayal came on December 1, over lunch in the attorney general's private dining room with Michael Balsamo, a reporter at the Associated Press. At this time Barr had not conducted a thorough investigation and had not devoted the resources necessary to uncover the pernicious fraud perpetrated by the Leftists and Communists in this country. Barr betrayed his President and his country.

More importantly, corrupt Federal judges dismissed lawsuits that would have exposed the irregularities and inconsistencies in the election. Roberts used his administrative authority to control Federal judges who heard post-election litigation issues. Roberts did not like President Trump and didn't want him to win, and so Roberts used his power and influence to ensure that lawsuits brought on behalf of Trump went nowhere. Roberts must be stripped of his position as leader of the Judicial Conference. Only then can we be sure that future allegations of election fraud are fully investigated.

F. The Path Forward is to Hold Roberts and Barr Accountable and award Mr. Asensio $250 million

The law contains a mechanism to hold corrupt judges accountable. The Judicial Conduct Act of 1980 empowers any person to file a conduct complaint against a federal judge or a group of federal judges and to have those complaints heard and resolved independently and outside of the US courts and reported to Congress. However, the Judicial Conference has purposefully and maliciously refused to allow citizens to enforce the Act when the judges engage in illegal national policy-making (see Endnote A). The only path forward is to hold Roberts and Barr accountable by awarding Mr. Asensio $250 million.

By deceitfully concealing conduct complaints, the Conference has allowed deliberate violations of the canons of good conduct, truth, and reason to deliberately conceal, ignore, or refuse to consider facts, factors, or circumstances, laws, and rights relevant to judgments. This violates democratic standards and the Constitution's separation of powers doctrine.

Mr. Asensio has proposed legislation that would amend the Act and ensure that complaints against Roberts do not get buried. This law will abolish the unethical and immoral concentration of undemocratic and unconstitutional power in the

presiding officer of US Judicial Conference (Conference) by creating a special impeachment mechanism. The new mechanism would expressly permit claims to proceed against the presiding officer for national policy-making at the Conference that defeats civil liberties, the separation of church and state, separation of powers, federalism doctrines, and the powers of the office of the American presidency and Congress.

In the present case, the Administrative Office is trying to conceal the allegations in the Consideration and ensure that the damaging information it has will never become exposed. In violation of Rule 22 of the Rules for Judicial Conduct, the Director of the Administrative Office of the Unites States Courts has not acknowledged receipt of the Consideration or certified its official distribution it to the 13 Chief Judges of the Circuit Courts. The Conference's failure to act on Mr. Asensio's Consideration constitutes further criminal indifference to civil rights than those committed by the federal judges in New York State's district court and Judicial Council that are the subjects of the Consideration. The negligence makes all the nation's 13 Circuit Court Judges accessories to the treasonous crimes being committed by Federal and State judges daily against the American people in the 3,400 counties nationwide.

Although Mr. Asensio could never be truly compensated for the way Roberts and Barr have treated him and his daughter, a large monetary award will compensate Mr. Asensio and discourage Barr and Roberts from using the Judicial Conference for their corrupt ends.

CONCLUSION

The "Eva Asensio Anti-Judicial Corruption Act of 2023" reverses the fatal flaws made in the second session of the 96th Congress that created an unethical and unprincipled concentration of undemocratic and unconstitutional executive power in the presiding officer of US Judicial Conference under the Judicial Conduct Act of 1980.

This unchecked and immoral executive power is the reason behind the Conference's decision to conceal the June 21, 2021 DRE Consideration, the usurpation of President Trump's executive power and his power to take care of law, and the 2020 presidential election and post-election fiascos.

The June 21, 2021 Consider demands three things: (1) justice for Mr. Asensio and his daughter; (2) an end to Chief Justice John G. Roberts's use of the DRE to protect organized deliberate and malicious federal judicial misconduct that destroys the concept of parental rights and family unity, dignity, and independence; and (3) a damages award of $100 million.

The Consideration shows that federal judges subject to the chief justice's control are acting deceitfully and fraudulently in US Courts under the cover of law and protection of immunity doctrines. This has the effect of infringing on the people's will and Americans most valuable rights that government cannot legitimately regulate at all, no matter what process is provided.

The foregoing shows the grave harm caused by Chief Judge John G. Roberts, Jr., and his "national policy-making" created through his association and collaboration with the US attorney general and selected members of Congress who control the nation's federal judiciary policy. Mr. Asensio now further demands that the members of the Conference refer this Consideration to Congress forthwith. Congress is the only body that can resolve this Consideration and the

constitutionality of the 2020 presidential election and the post-election proceedings, and that can award Mr. Asensio the $250 million he is owed in compensatory damages.

VERIFICATION

I solemnly swear that I am Manuel P. Asensio and that I hereby filed this First Amendment to the Consideration dated June 21, 2021 with the US Judicial Conference, the US District Court for the Southern District of New York, and the US Court of Appeals for the Second Circuit at the United States Administrative Office of the Courts under the Judicial Conduct Act of 1980 with the proposed legislation tilted "the "Eva Asensio Anti-Judicial Corruption Act of 2023" created, produced, and written by me.

I solemnly swear that all the statements related to legal authorities and the facts, factors, and circumstances contained here above are true and correct to the best of my knowledge, and I swear that I have truthfully considered all these facts, factors, circumstances, information and beliefs known to me to be relevant in making any statements contained herein.

I do so swear on this April 7, 2022.

Manuel P. Asensio

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Manuel P. Asensio

ENDNOTES

A. The following texts are copied from the US Judicial Conference's "About the Judicial Conference" page.

Organization

The Chief Justice of the United States is the presiding officer of the Judicial Conference. [. . .] The Chief Justice has sole authority to make committee appointments. The Executive Committee of the Judicial Conference serves as the senior executive arm of the Conference, acting on its behalf between sessions on matters requiring emergency action as authorized by the Chief Justice; the Executive Committee is not otherwise a **policy-making** committee of the Judicial Conference.

Sessions

The statute requires the Chief Justice to summon the Judicial Conference into session annually, at such time and place in the United States as he may designate. [. . .] Conference generally meets in Washington, D.C., at the Supreme Court building.

Judicial Conference Committees

Judicial Conference committees review issues within their established jurisdictions and make **policy recommendations** to the Conference. The committees are **policy-advisory** entities and are not involved in making day-to-day management decisions for the United States courts or for the Administrative Office. **Judicial Conference committees derive their jurisdiction and legal basis for existence from the Conference itself and the Chief Justice as presiding officer.** The committees and their chairs have no independent authority or charge apart from those conferred upon them by the Conference or its Executive Committee.

Matters Before Committees

All matters to go before the Judicial Conference are ordinarily considered by a committee prior to Conference consideration. Sources for matters to be studied and considered by Conference committees include, among others, the Chief Justice of the United States, the Executive Committee, the jurisdictional statements of Conference committees, the Conference Secretary (Director of the Administrative Office), Congress, statutory requirements, federal judges, circuit judicial councils, and other Conference committees. **Requests for consideration** of items by the Judicial Conference of the United States or one of its committees should be directed to the Director of the Administrative Office of the United States Courts

B. "The Court has frequently emphasized the importance of the family. The rights to conceive and to raise one's children have been deemed 'essential,'1 'basic civil rights of man,'2 and 'rights far more precious . . . than property rights.'3 'It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.'4 The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment,2 and the Ninth Amendment." *Stanley v. Illinois*, 405 U.S. 645, 651 (1972): *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942); *May v. Anderson*, 345 U.S. 528, 533 (1953); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Stanley v. Illinois*, 405 U.S. 645 (1972)

"The identification and protection of fundamental rights" (*see Obergefell v. Hodges*, 135 S.Ct. 2584, 2597– 98 (2015) and the duty to protect fundamental liberties "deeply rooted in this Nation's history and tradition" (*id.*, at 503, 97 S.Ct., at 1938 [plurality opinion]; *Snyder v. Massachusetts*, 291 U.S. 97 (1934) that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental" and so "implicit in the concept of ordered liberty" that "neither liberty nor justice would exist if they were sacrificed" (*Palko v. Connecticut*, 302 U.S. 319 (1937) and that neither judges nor Congress can govern, "at all, no matter what process is provided" (*Washington v. Glucksberg*, 521 U.S. 702 (1997)).

"The neutrality principle" forbids courts to "mak[e] law or policy out of whole cloth, [or] . . . to impose substantive judicial judgments on disputes not capable of resolution through the application of neutral principles to sharply defined sets of facts." Richard H. Fallon, Jr., Reflections on the Hart and Wechsler Paradigm, 47 Vand. L. Rev. 953, 976 (1994).

C. "[T]he notion that by confining the Rules to matters of 'procedure,' as the **Rules Enabling Act of 1934** directed, one could somehow prevent them [the federal judges] from having important and controversial socio-economic and political consequences outside the courtroom is **absurd . . .** it is unreasonable **anachronistically to superimpose on the Congressional drafters a sophisticated understanding of how procedural choices may impact substantive policies**." See 356 U.S. 525, 549 (1958) (Whittaker, J., concurring in part and dissenting in part.)

("**The words 'substantive' and 'procedural' are mere conceptual labels and in no sense talismanic**.") and 304 U.S. 64, 91–92 (1938) (Reed, J., concurring) ("**The line between procedural and substantive law is hazy …**"). [Emphasis added by author.]

The Rules Enabling Act is intended to preserve Congress' legislative power. In *The Supreme Court, The Rules Enabling Act, and the Politicization of the Federal Rules: Constitutional and Statutory Implications*, 90 MINN. L. REV. 1303, 1307–08, 1326 (2006), author Martin H. Redish wrote: "The reasoning appears to have been that where the Court merely promulgates rules of 'procedure,' it is not overstepping its constitutionally limited bounds because procedure is, by

definition, internal to the operation of the judiciary; it has no impact outside the four walls of the courthouse. **We now know—and should have known at the time of the Act's passage—that this is <u>political nonsense</u>.** In numerous instances, procedural choices inevitably—and often **<u>intentionally—impact the scope of substantive political choices</u>**. This recognition should logically raise a concern that the Act unconstitutionally vests in the Supreme Court power that is reserved, in a constitutional democracy, for those who are representative of and accountable to the electorate." [Emphasis added by author.]

Karen Nelson Moore, *The Supreme Court's Role in Interpreting the Federal Rules of Civil Procedure*, 44 HASTINGS L.J. 1039, 1043 (1993) ("[C]ommentators have placed recent emphasis on the relationship between Congress and the Court in the rulemaking process as the source of the restriction against affecting substantive rights."); Martin H. Redish, *The Supreme Court, The Rules Enabling Act, and the Politicization of the Federal Rules: Constitutional and Statutory Implications*, 90 MINN. L. REV. 1303, 1307–08, 1326 (2006)

<u>("arguing that current rulemaking oversteps constitutional bounds because the committee produces substantive rules and proposing that rules falling into a 'non-housekeeping' category of procedural rules or that 'are found to implicate significant economic, social, or political dispute(s)' should require Congressional and presidential approval")</u>; Stephen B. Burbank, *Ignorance and Procedural Law Reform: A Call for a Moratorium*, 59 BROOK. L. REV. 841, 841–42 (1993)

("arguing that the rulemaking process should rely more heavily on empiricism and called for a moratorium on rulemaking pending further study"); Linda S. Mullenix, *Hope Over Experience: Mandatory Informal Discovery and the Politics of Rulemaking*, 69 N.C. L. REV. 795 (1991)

("arguing that the discovery proposals lacked empirical foundation and calling for reform of the rulemaking process"); Laurens Walker, *A Comprehensive Reform for Federal Civil Rulemaking*, 61 GEO. WASH. L. REV. 455, 481 (1993)

("arguing for a limit on the Committee's discretion to be accomplished through a set of administrative agency-like guidelines"); Marc S. Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts*, 1 J. EMPIRICAL LEGAL STUD. 459, 491 (2004)

Professor Richard L. Marcus has noted, we have a "litigation machine that often seems indifferent to the merits." Richard L. Marcus, Of Babies and Bathwater: The Prospects for Procedural Progress, 59 BROOK. L. REV. 761, 766 (1993). [Emphasis added by author.]

Sarah Staszak, "The Administrative Role of the Chief Justice: Law, Politics, and Procedure in the Roberts Court Era." *Laws* (ISSN 2075-471X), a peer-reviewed journal of legal systems, theory, and institutions, published quarterly online by MDPI: "The Chief Justice of the Supreme Court plays a critical role in shaping national politics and public policy. While political scientists tend to focus on the ways in which the chief affects the Court's jurisprudence, **<u>relatively little attention</u>**

has been devoted to the unique administrative aspects of the position that allow for strategic influence over political and legal outcomes. This article examines the role of the chief justice as the head of the Judicial Conference, which is the primary policy making body for federal courts in the United States." [Emphasis added by author.]

Dawn M. Chutkow, "The Chief Justice as Executive: Judicial Conference Committee Appointments," *Journal of Law and Courts* 2, no. 2 (2014): 301–25. doi:10.1086/677172: "This article is the first comprehensive empirical study of chief justice appointments to the Judicial Conference committees of the US Courts, entities with influence over substantive public and legal policy. Using a newly created database of all judges appointed to serve on Judicial Conference committees between 1986 and 2012, the results indicate that a judge's partisan alignment with the chief justice matters, as do personal characteristics such as race, experience on the bench, and court level. **These results support claims that Judicial Conference committee selection, membership, and participation may present a vehicle for advancing the chief justice's individual political and policy interests."** . . . "extreme vigilance against **treading on contested fact issues or mixed questions of law and fact-even arguable ones-reserving them for evidentiary hearings** . . . [u]nless the parties settled, disputes regarding intent, state-of-mind, and credibility were virtually always tried, often before a jury." Paul W. Mollica, Federal Summary Judgment at High Tide, 84 MARQ. L. REV. 141,147 (2000)

"A well-chronicled, decades-long effort ultimately led to the passage of the Rules Enabling Act of 1934 . . . The Federal Rules of Civil Procedure became law four years later.. . "The drafters of the Federal Rules wanted cases to be **resolved on the merits**" . . . those "core values of [federal] rules have **been eviscerated by judicial decisions, interred by antipathy, and eulogized** by none other than Wright and Miller" . . . "**Federal Rules were premised on the notion that, once the parties learned the relevant facts, cases would either settle or go to trial**." Stephen N. Subrin & Thomas O. Main, The Fourth Era of American Civil Procedure, 162 U. PA. L. REV. 1839 (2014)

"In 1951, the median time from filing to disposition for tried cases was 12.2 months. In 1962, that number was sixteen months. Since 1990, the median time to disposition for all terminated cases is only seven to eight months. But as of 2012, the median time from filing to disposition stays twenty-three months in those cases where there is a trial, which, of course, these days are only one percent of all cases." Harold Hongju Koh, The Just, Speedy, and Inexpensive Determination of Every Action? Yale Law School Faculty Scholarship (2014)